

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MARCH 4, 2004  
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bob Workman

Commissioners Absent: Bernie Heier  
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:18 a.m.

**AGENDA ITEM**

- 1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, FEBRUARY 24, 2004 (TOUR OF COMMUNITY BLOOD BANK BUILDING, ADAMS STREET CENTER AND FORMER ATTENTION CENTER FOR YOUTH FACILITY) AND THURSDAY, FEBRUARY 26, 2004**

**MOTION:** Hudkins moved and Workman seconded approval of the Staff Meeting minutes of February 24, 2004 and February 26, 2004. Hudkins, Workman and Stevens voted aye. Motion carried.

- 2 ADDITIONS TO THE AGENDA**

- A. Use of the Old Federal Building's Comfort Station as a New Location for the Lincoln Convention & Visitors Bureau Visitor's Center (Exhibit A)
- B. Route 6 Tourism Marketing Effort
- C. Pending Litigation - Doug Cyr, Chief Administrative Deputy County Attorney

- D. Hiring Request from the County Treasurer (Drivers License Clerk) (Exhibit B)
- E. Press Releases (Exhibit C):
  - 1) Community Mental Health Center (CMHC) Awarded a Three Year Commission for Accreditation of Rehabilitation Facilities (CARF) Accreditation
  - 2) Purchase of the Community Blood Bank Building, 2966 "O" Street
- F. Report on March 3, 2004 Lincoln-Lancaster County Planning Commission Meeting

**MOTION:** Workman moved and Hudkins seconded approval of the additions to the agenda. Workman, Stevens and Hudkins voted aye. Motion carried.

### **3 COMMISSIONER MEETING REPORTS**

- A. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

No report.

- B. Lincoln Partnership for Economic Development (LPED) - Stevens

Stevens said Mayor Seng reported on the state of the City's financial condition and sales tax receipts. John Wood, Executive Director for the Lincoln Airport Authority, and Greg MacLean, HDR Engineering reported on the Lincoln Airport's Master Plan and Robert Moline, Home Services of Nebraska, reported on Lincoln's lot shortage.

It was suggested that Lincoln's lot shortage would be an appropriate topic for a City-County Common Meeting.

- C. Railroad Transportation Safety District (RTSD) - Workman, Stevens

Workman said the Fiscal Year 2004-05 budget was approved.

### **4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates**

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit D) and said a special session could be called on the budget.

#### **A) Proposed Letter from Kit Boesch, Human Services Administrator, Regarding LB 1083**

The Board reviewed a proposed letter from Kit Boesch, Human Services Administrator, to the Appropriations Committee, Health and Human Services Committee and Lancaster County Senators in support of LB 1083 (Adopt the Nebraska Behavioral Health Services Act) and LB 1089 (Provide for deficit appropriations) (Exhibit E).

Kissel said LB 1083 has changed and said it would be better to respond to the amendments (see Exhibit D).

Board consensus was to: 1) Hold the letter; and 2) Schedule a Staff Meeting on March 9, 2004 at 11 a.m. to discuss the amendments and ask that Boesch; Dean Settle, Community Mental Health Center Director; and either Kissel or Prenda be present.

### **B) Correspondence from Senator DiAnna Schimek Regarding LB 870**

Kissel said Senator Schimek may be correct in her interpretation of LB 870 (Change a voting requirement for municipal county consolidations), noting the bill can be interpreted two different ways. He suggested dialogue on the floor to build the legislative record.

#### **5 EMERGENCY MEDICAL SERVICES (EMS), INC. REPORT - Joan Anderson, Mary Jo Gillespie and Todd Gilkison, EMS, Inc.**

Mary Jo Gillespie, EMS, Inc., distributed copies of Lancaster County Response Analysis and a list of rural fire departments that EMS Inc. provides oversight for, including the services provided by each department (Exhibit F). It was noted that Midwest Medical has assumed responsibility for all non-emergency transfers.

Todd Gilkison, EMS, Inc., reported on training efforts, including refresher courses on use of Automatic External Defibrillators (AED's).

Hudkins said the Public Building Commission (PBC) has debated whether to locate AED's in the County-City Building.

Anderson said she and Gillespie serve on a steering committee of agencies that promote location of AED's in public areas and offered to arrange a presentation by a cardiologist.

Stevens suggested that this would be an appropriate topic for a Super Common Meeting.

Hudkins asked that information on AED's also be provided to Don Killeen, County Property Manager.

Anderson said EMS, Inc. plans to offer workshops on stroke management in conjunction with the hospitals and invited the commissioners to attend. She noted there has been a decrease in bystander cardio-pulmonary resuscitation (CPR) and said EMS, Inc. will take steps to increase public awareness, including a class for local public officials.

**6 A) EMERGENCY RESPONSE VEHICLE; AND B) REPLACEMENT PERSONNEL** - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff

**A) Emergency Response Vehicle**

Bill Jarrett, Chief Deputy Sheriff, said his department has need for a mobile communications/command center and presented 2003 Local Law Enforcement Block Grant Purchase Plan Proposal (Exhibit G).

Hudkins asked where the vehicle will be housed.

Jarrett said his department is still interested in having a garage built on Cherrycreek Road (garage would serve the County Sheriff, County Engineer and Emergency Management). He said a building is being constructed across the street from the proposed site that would meet storage needs and said Don Killeen, County Property Manager, is checking on pricing.

Hudkins said the Board is looking at including the garage in a bond issue and needs the cost estimates. He agreed to follow-up with Killeen.

In response to a question from Workman, Terry Wagner, Lancaster County Sheriff, said the vehicle could be used within the city limits. Examples cited were joint homicide investigations and deployment of the Tactical Team.

Hudkins asked what percentage of warrants are served outside of the City's three mile zoning jurisdiction.

Wagner said it would probably follow the 90/10 population split.

**MOTION:** Hudkins moved and Workman seconded approval of the request. Hudkins, Workman and Stevens voted aye. Motion carried.

## **B) Replacement Personnel**

Wagner said Sergeant Marker plans to retire on March 16, 2005 and two deputies will be on military deployment at least until the end of the year. He said it takes a minimum of six months to train a new deputy and requested authorization to hire one deputy above the department's authorized strength. Salary savings from the military deployments will fund the cost.

**MOTION:** Hudkins moved and Workman seconded approval of the request. Hudkins, Workman and Stevens voted aye. Motion carried.

### **ADDITIONS TO THE AGENDA**

C. Pending Litigation - Doug Cyr, Chief Administrative Deputy County Attorney

**MOTION:** Workman moved and Hudkins seconded to enter Executive Session at 10:00 a.m. for discussion of pending litigation. Hudkins, Workman and Stevens voted aye. Motion carried.

**MOTION:** Workman moved and Hudkins seconded to exit Executive Session at 10:12 a.m. Hudkins, Workman and Stevens voted aye. Motion carried.

E. Press Releases (Exhibit C):

- 1) Community Mental Health Center (CMHC) Awarded a Three Year Commission for Accreditation of Rehabilitation Facilities (CARF) Accreditation
- 2) Purchase of the Community Blood Bank Building, 2966 "O" Street

The Board asked that the second press release be revised to indicate that Lancaster County has purchased the building, not the Community Mental Health Center.

The Board also asked that the Hickman Voice and Waverly News be included in the press release distribution.

## **7 COUNTY SPECIAL PERMIT NO. 205 (RECREATIONAL FACILITY AT SOUTHWEST 84<sup>TH</sup> & KOLBROOK ROAD) - Kristy Mundt, Deputy County Attorney; Mike DeKalb, Planning Department**

Kristy Mundt, Deputy County Attorney, presented a draft resolution in the matter of County Special Permit 205, requested by Dr. David Samani, for authority to construct and operate a recreational facility for an off-road riding club, on property generally located at the northwest corner of Southwest 84<sup>th</sup> Street and Kolbrook Road (Exhibit H).

Mundt said the following revisions are suggested:

3. Change *building* to *occupancy*
- 2c) Add the following sentence: *No races shall be held during the months of April or May.* (This language was proposed by Mark Hunzeker, the attorney representing the applicant)
- 3.4 Correct typographical error (Spelling of the word State)

**MOTION:** Hudkins moved and Workman seconded approval of incorporating those changes in the resolution. Hudkins, Workman and Stevens voted aye. Motion carried.

Rick Thorson, Environmental Health Supervisor for the Lincoln-Lancaster County Health Department, and Gary Walsh, Senior Environmental Health Engineer, provided an explanation of the Health Department's recommendations regarding the draft resolution (see agenda packet).

Mundt recommended retention of the second sentence in General Condition 2j.

Thorson and Walsh also gave an overview of their noise test findings. Walsh said he believes compliance can be determined with the 50 decibel (dB) limit and adequately assessed at 3-minute Leq, rather than 10-minute Leq. Thorson added that noise will be fairly constant for 10-15 minutes during this type of activity and said this is a fair method to use.

Hudkins inquired about readings at Spring Creek Prairie.

Thorson said he took twelve, 60-second Leq readings in late February.

Hudkins asked whether any of the readings were over 50 dB.

Thorson, said one was 53dB when a large jet flew overhead. There were no motorcycles on the track at the time. He said calculations yielded a 43dB background reading on that day, which was deemed a fair assessment of a typical day.

Walsh reported a reading of 39 dB .5 mile north and east of the facility during a simulated race on January 1, 2004.

Workman noted the land layout and asked whether noise from the highway impacts all of Spring Creek Prairie.

Thorson said rolling hills and vegetation help diminish noise on the eastern portion of the prairie. He said there is also airplane and train traffic in the area.

Workman asked about readings from the Wood's property.

Walsh said Mr. Renz, a neighboring property owner, took a series of 1-second sound meter readings from the Wood's property. He said a couple were upwards of 80 dB and many were in the 60 dB range. There was no energy averaging.

Mike DeKalb, Planning Department, suggested that the Board review the table of sound levels, decibels, perceived loudness, relative sound energy and equivalent types of activities on Page 43 of the Planning Staff Report (a copy is on file in the County Clerk's Office).

Hudkins noted noise generated by farm tractors and loaded trucks and asked, "How far are we going with this and what ramifications are we going to have?"

**MOTION:** Workman moved and Hudkins seconded to:

- 1) Include the recommendations from the Lincoln-Lancaster County Health Department;
- 2) Strike the following sentence in General Condition 2f: *There shall be no food or beverage service offered on the property.*

Hudkins, Workman and Stevens voted aye. Motion carried.

**MOTION:** Hudkins moved and Workman seconded to direct the County Attorney's Office to prepare a resolution for the March 9, 2004 Board of Commissioners Meeting in accordance with the discussion and the motions.

**FRIENDLY AMENDMENT:** Stevens offered a friendly amendment to direct that copies be sent to Mark Hunzeker, the attorney representing the applicant; Kent Seacrest, the attorney representing 103 landowners in opposition; and the Audubon Society.

The maker of the motion and the seconder accepted the friendly amendment.

**ROLL CALL:** Workman, Hudkins and Stevens voted aye. Motion carried.

Stevens distributed information regarding the Spring Creek Prairie Audubon Center stakeholders and partners, education programs, visitors and investments in the Spring Creek Prairie (Exhibit I).

Also present were: Mark Hunzeker, the attorney representing the applicant; Marian Langan, Director of the Audubon Spring Creek Prairie; Arnold Mendenhall, Habitat Manager at the Audubon Spring Creek Prairie; Don Helmuth, Vice President of the

National Audubon Society; Don Thomas, County Engineer; Larry Worrell, County Surveyor; Martha Hall, 8301 West Mountain Ash Drive; Carolyn Ducey, 105 Southwest 70<sup>th</sup> Street; and David and Cindy Cochran, 9500 Southwest 84<sup>th</sup> Street.

## **ADMINISTRATIVE OFFICER REPORT**

### **B. Legal Opinion Request Regarding County Board's Regulatory Authority Under a Special Permit**

Kerry Eagan, Chief Administrative Officer, presented a draft of a legal opinion request regarding the scope of the County Board's authority to establish conditions and control land use under the special permit process (Exhibit J).

**MOTION:** Hudkins moved and Workman seconded to submit the legal opinion request to the County Attorney's Office and to request a response prior to the Board of Commissioners Meeting on March 9, 2004. Hudkins, Workman and Stevens voted aye. Motion carried.

## **8 ACTION ITEMS**

### **A. Authorize Submission of Management Information System Grant to Agency for Healthcare Research and Quality (AHRQ) for the Community Mental Health Center (CMHC)**

Gwen Thorpe, Deputy Chief Administrative Officer, said the grant will be submitted through Region V and the Health Partners.

### **B. Authorize Submission of Substance Abuse and Mental Health Services Administration (SAMHSA) Grant for Extension of Jail Diversion Program**

**MOTION:** Workman moved and Hudkins seconded to authorize signature by the Chair. Workman, Hudkins and Stevens voted aye. Motion carried.

### **C. Community Mental Health Center (CMHC) Region V Budget**

**MOTION:** Workman moved and Hudkins seconded to authorize signature by the Chair. Hudkins, Workman and Stevens voted aye. Motion carried.

### **D. Safety Flyer with March 25, 2004 Paychecks**

**MOTION:** Workman moved and Hudkins seconded approval. Workman, Stevens and Hudkins voted aye. Motion carried.

E. Notice from 1<sup>st</sup> Choice Credit Union with March 11, 2004 Paychecks

**MOTION:** Workman moved and Hudkins seconded approval. Hudkins, Workman and Stevens voted aye. Motion carried.

F. Date for Youth Assessment Center (YAC) Priorities and Objectives Meeting

The Board suggested a meeting date of March 23, 2004 or March 30, 2004 and a meeting time of 4 p.m. to 6 p.m.

## 9 ADMINISTRATIVE OFFICER REPORT

A. Jail Contract with City

Stevens presented information on the number of bookings per year and the number of offenders that are jailed for less than one day. He said three changes to the interlocal agreement are proposed:

- 1) The arresting agency would be responsible for medical expenses if an individual is injured during the course of apprehension
- 2) Institute a \$100 booking fee
- 3) Institute a one-day minimum charge

**MOTION:** Workman moved and Hudkins seconded to present those three items to the Mayor. Hudkins, Workman and Stevens voted aye. Motion carried.

B. Legal Opinion Request Regarding County Board's Regulatory Authority Under a Special Permit

Item moved forward on the agenda.

C. Financing of Garage for County Sheriff, County Engineer and Emergency Management Under Upcoming Bond Issue

**MOTION:** Hudkins moved and Workman seconded to direct Lauren Wismer, Bond Counsel; and Dave Kroeker, Budget and Fiscal Officer, to prepare a resolution for the March 9, 2004 Board of Commissioners Meeting, in consultation with the County Attorney's Office, declaring the intent of Lancaster County to borrow money by the issuance of revenue bonds to reimburse the costs of acquiring certain real estate and making certain improvements and making other improvements to the Corrections facility, not to exceed \$2 million. Workman, Stevens and Hudkins voted aye. Motion carried.

## ADDITIONS TO THE AGENDA

- A. Use of the Old Federal Building's Comfort Station as a New Location for the Lincoln Convention & Visitors Bureau Visitor's Center (Exhibit A)

Eagan said the Lincoln Convention & Visitors Bureau (CVB) is interested in using the Old Federal Building's Comfort Station as a new location for the Visitor's Center.

Board consensus was to proceed with development of a proposal to lease the space.

- B. Route 6 Tourism Marketing Effort

Eagan said the Lincoln Convention & Visitors Bureau (CVB) will cover the \$200 expense of joining the marketing effort. (see Exhibit A).

- D. Hiring Request from the County Treasurer (Drivers License Clerk) (Exhibit B)

**MOTION:** Workman moved and Hudkins seconded approval. Workman, Hudkins and Stevens voted aye. Motion carried.

- F. Report on March 3, 2004 Lincoln-Lancaster County Planning Commission Meeting

Stevens said the Planning Department offered alternative language regarding Comprehensive Plan Amendment No. 03007 (Amend the 2025 Lincoln/Lancaster County Comprehensive Plan to remove a statement relating to the future determination of county impact fees). The Planning Commission voted to defer, with continued public hearing and administration action scheduled for April 14, 2004.

## 10 ADJOURNMENT

**MOTION:** Workman moved and Hudkins seconded to adjourn the meeting at 12:11 p.m. Workman, Hudkins and Stevens voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk